



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

"SHIRTSLEEVE" SESSION

Date: January 20, 2004

Time: 7:00 a.m.

For information regarding this Agenda please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

Informal Informational Meeting

- A. Roll call by City Clerk**
- B. City Council Calendar Update**
- C. Topic(s)**
 - C-1 Sidewalk Policies (PW)
- D. Comments by public on non-agenda items**
- E. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Sidewalk Policies

MEETING DATE: January 20, 2004 (Shirtsleeve Session)

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Not applicable.

BACKGROUND INFORMATION: The City has had a formal policy on repair of sidewalks since 1985. The current version is attached and includes a 1999 update pertaining to downtown basement access doors.

The policy is intended to clarify responsibilities for repair and replacement of sidewalks, which are shared between the City and property owners as described in the policy. In the near future, staff will propose another update to the policy to address a number of issues. Staff wishes to review these with the Council to explain and discuss them in more detail and obtain Council input, as well as providing advance public notice. The issues are:

1. Orders to Repair – Section II describes criteria when the City will make temporary patches and when property owner will be required to make repairs. However, our recent practice has been to order repairs to be made by a property owner when a liability claim is filed with the City, regardless of the criteria. Staff proposes to add this to the formal policy. We would also include notification that a lien may be placed on the property if a repair notice is disregarded. Note that the actual assessment/lien process requires Council action. (See attached Streets and Highways Code.)
2. Repeat Temporary Patches – Section II also describes that the City will place temporary patches on minor defects. In light of budget constraints, staff considered limiting the number of times the City would patch a defect if the responsibility for repair is the property owner's. However, this would create a double standard in that the City does not have enough funding to make repairs for all locations that are the City's responsibility. Staff welcomes Council comment on this.
3. Driveway Repairs – While the policy mentions that "...sidewalk includes portions of driveways within the right of way", it does not address problems with driveways themselves. We receive a variety of complaints about inadequate driveways, and the policy could be more explicit. Staff proposes that a section be added that clearly states that driveways are for the convenience and benefit of the adjacent property, not for the public in the sense that they be maintained by the public. We would also clarify that driveway defects would be patched/repared by the City if the damage is caused by the same factors for which we would make sidewalk repairs.

This section would include a requirement that no new bridge-type driveways be constructed

APPROVED: _____
H. Dixon Flynn, City Manager

and that existing ones may remain as long as they do not impede drainage. Also included would be conditions in which the driveway could cause tire damage or present a hazard to the public. This implements and clarifies the Municipal Code which states:

12.04.410 Gutter construction at driveways.

The director shall have the power to require property owners to remove driveway approaches where they are an obstruction to the gutter and to reconstruct driveway approaches where drainage or other conditions are unsatisfactory. (Prior code § 9A-41)

4. Repairs as Part of Development Projects – The formal policy should include existing practices regarding repair of sidewalk as part of development projects. Basically, we require the developer to reconstruct, as required, damaged curb, gutter, and sidewalk along a project's frontage.
5. New Sidewalks – Staff would like to incorporate our informal policy on new sidewalk installations into this policy. In 1999, Council directed staff to begin a program of installing sidewalk in locations where it was missing; mainly "gaps" at individual lots. An earlier version of a draft policy was reviewed with the Council in 1999 but was never completed. An updated version is attached and includes a recommendation that, subject to budgetary constraints, the City will continue this program. Included is a clarification regarding circumstances in which the City would require installation of sidewalk as a condition of obtaining a building permit. Staff is suggesting that where the property owner has the obligation to install sidewalk at an existing residence, that the cost be split 50/50. This would not apply to non-residential parcels, in which case normal development rules would apply.

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Attachments

cc: Rad Bartlam, Community Development Director
Wally Sandelin, City Engineer
George Bradley, Street Superintendent



CITY OF LODI

PUBLIC WORKS DEPARTMENT

POLICIES AND PROCEDURES

STREETS - 6

CURB, GUTTER & SIDEWALK REPAIR POLICY

5/5/99

Resolution 95-48 adopted by the City Council at its meeting of April 5, 1995:

I. NOTICE AND ACTION

- A. Property owners or tenants have the responsibility to report to the City of Lodi all defective curb, gutter and sidewalk fronting their property. (For purposes of this Policy, sidewalk includes portions of driveways within the right of way.)
- B. The Street Superintendent will inspect and classify sidewalk repairs for action per this Policy. Generally, offsets or other defects less than 3/4" are considered minor and require no further action.

II. SIDEWALK REPAIR

- A. TEMPORARY PATCHING - The City shall place a temporary patch on sidewalks where there is 3/4" - 1 1/2" vertical offset or minor irregularities. This will be done at no charge to the property owner. The property owner or tenant has the responsibility to notify the City of any change in the condition of the sidewalk or the patched area.
- B. SIDEWALK REPLACEMENT - When vertical offset is greater than 1 1/2", sidewalks shall be processed for removal and replacement on a priority basis. These areas will also be temporarily patched until replaced.
 - 1. Sidewalk replacement at City expense is done under the following conditions:
 - a. Damage caused by City-maintained trees. (City-maintained trees are only those trees located in the parkways between the curb and sidewalks or those fronting City-owned property.)
 - b. Damage due to City utility cuts
 - c. Damage due to heat expansion
 - 2. Property owner shall replace sidewalk where the hazardous condition is caused by something other than the above categories. The property owner shall have a licensed contractor do the work within a prescribed time. If, after formal notice by the City, the repairs are not completed within that time, the City shall make the repairs and assess the property owner.

III. CURB AND GUTTER MAINTENANCE

- A. Curb and gutter which is damaged by City-maintained trees, City utility cuts or heat expansion will normally be replaced by the City at the time damaged sidewalk is replaced or with street improvement projects.
- B. Curb and gutter which is damaged by property owner's trees shall be replaced by the property owner at their expense.

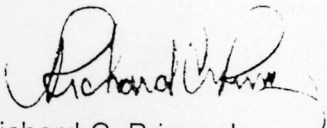
IV. TREE MAINTENANCE

- A. The City shall be responsible for root surgery on all City-maintained trees where it is required. City shall remove City-maintained trees when required under City's adopted Tree Policy. This work will be done in conjunction with the replacement of the sidewalk and/or the curb and gutter.
- B. Root surgery on privately-owned trees is the responsibility of the property owner.

Adopted by the City Council by motion action at its meeting of May 5, 1999:

V. SIDEWALK/BASEMENT ENCROACHMENTS

- A. New basement encroachments into the sidewalk area are prohibited.
- B. Existing basement encroachments shall either be abandoned by the property owner or be covered by an encroachment permit, issued administratively, in which the property owner assumes maintenance responsibilities and provides standard insurance coverage and certificates.
- C. When the City initiates replacement of adjacent curb, gutter and/or sidewalk as part of a capital improvement project, or under the maintenance conditions described in the City's sidewalk repair policy, the City shall bear the cost of resetting serviceable basement access doors. The property owner shall provide a new door set, if necessary, and a structural "roof" for additional basement encroachments on which the City can install sidewalk. As an option, if the property owner elects to have a basement access/encroachment abandoned, the City will remove the access, backfill, and replace sidewalk and pay for the necessary wall at the building foundation.
- D. When the City initiates replacement due to conditions which are the property owner's responsibility under the maintenance conditions described in the City's sidewalk repair policy, the property owner shall bear all costs for repairs except if the property owner abandons the basement access, then the City will participate as in C) above.
- E. The City Manager may authorize a one-time replacement of basement access doors, at City expense, in conjunction with circumstances described above within Zone A-1 of the Lodi Central City Revitalization Assessment District, 95-1, provided the property owner complies with Section B above.



Richard C. Prima, Jr.
Public Works Director

RCP/lm

STREETS AND HIGHWAYS CODE

SECTION 5610-5618

5610. The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

5611. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

5612. Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

5613. The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

5614. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

5615. If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

5616. Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

5617. Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs

have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

5618. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.

This policy covers the installation of new sidewalk on City streets at City expense. The City will install new sidewalk where sidewalks do not exist and where right of way is available under the following circumstances, subject to funding availability:

- A. As part of major City reconstruction projects on City streets.
- B. As part of development projects per City Codes and Standards.
- C. Under a Special Installation Program funded through Measure K sales tax or Transportation Development Act revenue. The following guidelines and priorities will apply for this program:
 - 1. Areas generating high amounts of pedestrian traffic.
 - 2. Suggested routes to school.
 - 3. Blocks with relatively small areas lacking sidewalk, i.e. "gaps".
 - 4. Right of way exists or the property owner dedicates the necessary R/W.
 - 5. At residential locations where sidewalk installation is triggered by LMC §15.44, the City will share the actual installation cost on a 50/50 basis.
 - 6. In other areas determined by the City Council.
- D. Locations where the City has a prior agreement or commitment to install sidewalk.

The City will not be responsible for the replacement or relocation of fences, structures or landscaping within the right of way that are affected by the installation of sidewalk. Removal of improvements and modification to irrigation lines will be done by the City at no cost to the owner.

The Special Installation Program for installation of sidewalk at City expense does not apply in the following instances unless specifically approved by the City Council:

- A. Unimproved properties (bare land, no street improvements);
- B. Partially improved properties (bare land, partial street improvements);
- C. Developed non-residential (on-site improvements, partial street improvements);
- D. Properties whose previous or present owners have entered into an improvement deferral agreement with the City; and/or
- E. Properties where only partial street improvement installation has been made due to the timing of the development of that property.